

**REMARKS**

Claims 1 through 7, 9 through 17 and 19 are now pending in this application. Claims 4, 5, 7, 9, 11, 14 through 17 and 19 stand withdrawn. Claims 1 through 3 stand allowed. In response to the Office Action dated September 9, 2005, claim 6 has been amended and claims 8 and 18 have been cancelled. Care has been taken to avoid the introduction of new matter. Favorable reconsideration of the application as now amended is respectfully solicited.

Claim 18 was rejected under 35 U. S. C. § 102(b) as being anticipated by U.S. patent 5,371,623 (Eastmond) and also rejected under 35 U. S. C. § 102(b) as being anticipated by U.S. patent 5,278,687 (Jannson). In response, claim 18 has been cancelled. The rejections are now moot.

Claims 6, 8, 10, 12 and 13 were rejected under 35 U. S. C. § 103(a) as being unpatentable over Green, of record, in view of newly cited U.S. patent 6,501,877 (Weverka). The Office Action recognizes, at paragraph 7, that Green “does not specifically teach a plurality of reflection condition control devices arranged on a reflection plane of a retroreflector and capable of controlling optical reflection independently of each other and a driver for separately controlling each of the reflection condition control devices according to the transmission signal. Weverka was relied upon for concluding that it would have been obvious to provide the Green device with these claimed features.

In response to the rejection, claim 6 has been amended and claim 8 has been cancelled. Reconsideration of the rejection and withdrawal thereof in light of the following comments are respectfully solicited.

Independent claim 6 has been amended to contain recitation similar to that of allowed claim 1. Claim 6 differs from claim 1 in reciting “controlling optical reflection” at line 14, whereas claim recites “controlling total optical reflection.” It is submitted that claim 6 is distinguishable

from Green and Weverka in the same manner that distinguishes claim 1. As the only remaining pending claims that have not been withdrawn, i.e., claims 10, 12 and 13, ultimately depend from claim 6 it is submitted that all remaining rejected claims are patentably distinguishable.

Withdrawal of the rejection and allowance are respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Gene Z. Rubinson  
Registration No. 33,351

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 GZR:lnm  
Facsimile: 202.756.8087  
**Date: December 7, 2005**

**Please recognize our Customer No. 20277  
as our correspondence address.**

WDC99 1169456-1.049657.0983